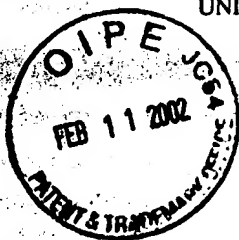


Serial No.: 09/762,976

Group Art Unit: 1645

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CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE AS FIRST-CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER OF PATENTS, WASHINGTON, D.C. 20231, ON
JANUARY 18, 2002

Teresa O. Bittenbender
TERESA O. BITTENBENDER, REG. NO. 47,425
AGENT/ATTORNEY FOR APPLICANT

January 18, 2002
DATE

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Attorney Docket No. BM45330

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thonnard, et al.

Serial No.: 09/762,976

Filed: June 11, 2001

Group Art Unit No.: 1645

Examiner: Shannan-Shah, K.

For: BASB 024 Outer Membrane Protein of Neisseria Meningitidis

Commissioner of Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This Response to Election Requirement and Preliminary Amendment (hereinafter referred to as "Response & Amendment") is responsive to the Office Communication mailed November 28, 2001 (Paper No. 7) (herein referred to as "Office Action"). Applicants respectfully request entry of this Response & Amendment.

This Response & Amendment is believed timely filed with payment of a two (2) month extension of time. Should this Amendment not be considered timely filed, Applicants hereby request a retroactive extension of time to file for the number of months required to maintain pendency of the Application.

The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account No. 50-0258.¹

¹ If an Extension is deemed necessary, please consider this Paper to comprise a Petition for such an Extension.

Serial No.: 09/762,976

Group Art Unit: 1645

IN THE CLAIMS:

Please cancel claims 36, 38, 43-56, 58, and 60-68 as being drawn to the non-elected invention.

Remarks

This Response & Amendment is responsive to the Office Action mailed on November 28, 2001 (Paper No. 7). Entry of this Response & Amendment are respectfully requested.

Claims

Claims 29-68 were pending. Claims 29-68 were subject to a eleven (11) way Restriction Requirement. Claims 36, 38, 43-56, 58, and 60-68 have been cancelled without prejudice as being drawn to the non-elected invention.

Election/Restriction

Applicants hereby elect to prosecute Group I (claims 29-35, 37, 39-42 and 57), with traverse for the reasons set forth below. While the election of Group I is without traverse, Applicants reserve the right to traverse restriction requirements between the other asserted claim groups.

Further, with respect to the requirement for election of species, Applicants elect SEQ ID NO:4 without traverse.

FEE DEFICIENCY

☒ If an extension of time is deemed required for consideration of this paper, please consider this paper to comprise a petition for such an extension of time; The Commissioner is hereby authorized to charge the fee for any such extension to Deposit Account No. 50-0258.

and/or

☒ If any additional fee is required for consideration of this paper, please charge Account No. 50-0258.


Closing Remarks

Serial No.: 09/762,976

Group Art Unit: 1645

Entry of the Response & Amendment and allowance of the pending claims are
respectfully requested.

Respectfully submitted,



Teresa O. Bittenbender

Registration No. 47,425

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DECHERT

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